



Public Rights set by common law over time

- Fishing
- Hunting
- Fish & wildlife habitat
- Commercial navigation
- Water recreation & boating
- Natural scenic beauty
- Water quality & quantity



Changes at the Water's Edge

- **Thousands** of changes each year
- Changes are **permanent**
- Consequences **accumulate**
- Impacts **can be avoided**





NEW STRUCTURE

- Exemptions
- Statewide General Permits
- Individual Permits



EXEMPTIONS

EXEMPTION

What It Means

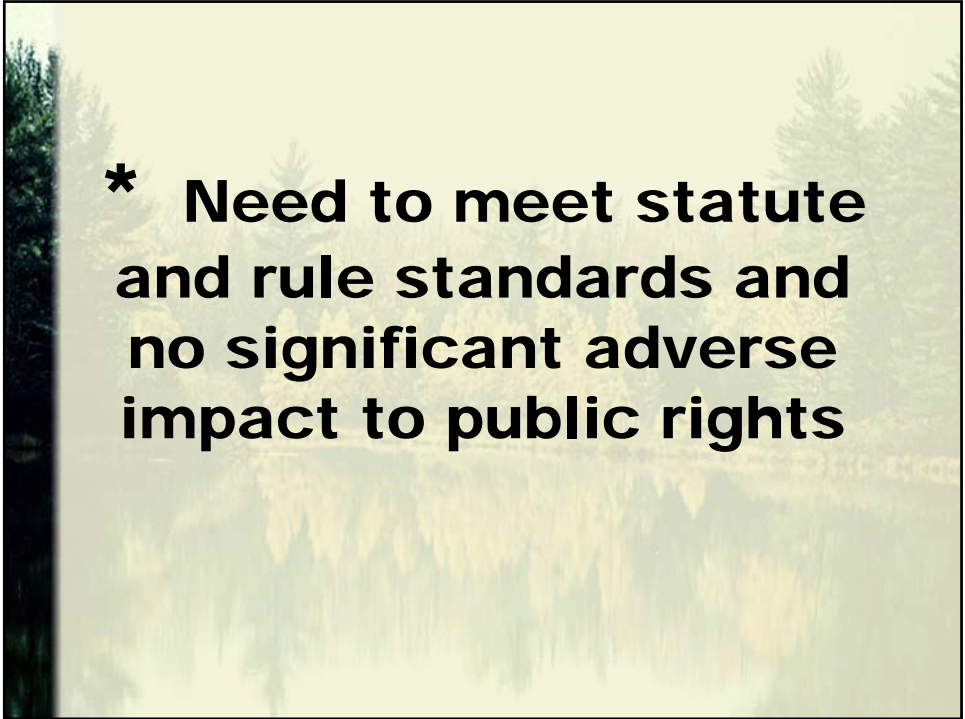
- No permit required
- No required notice to DNR

What You Need to Know

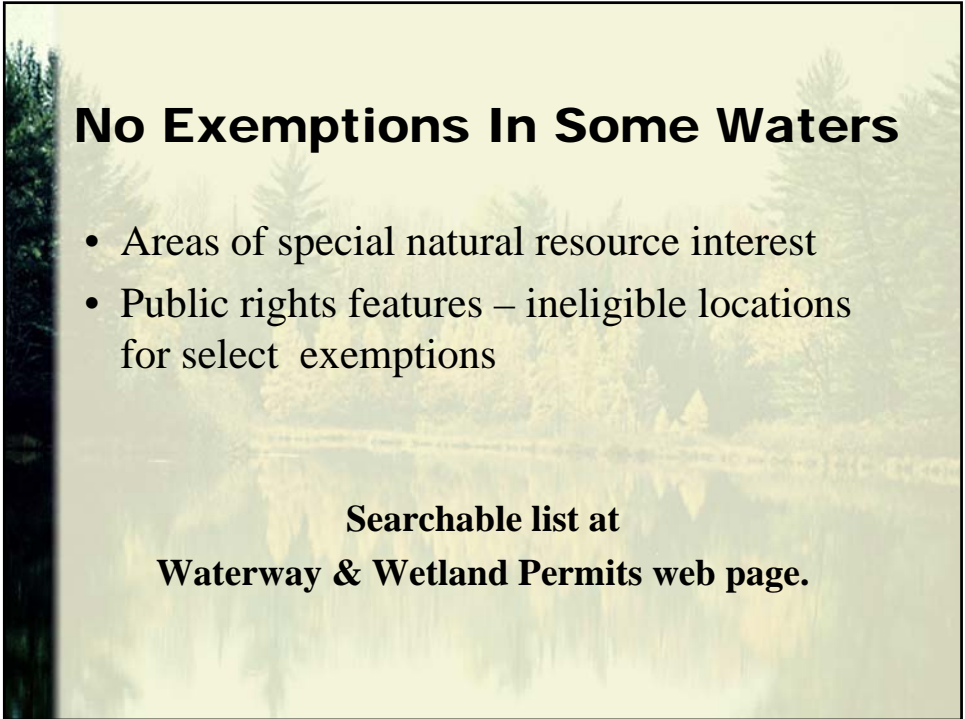
- Standards apply – Project specifications in statute, from existing common law and new rules
- Some sites excluded - Sites specified in statute, others by rules
- Recall possibility – Possible permit in lieu of exemption for significant impacts

Exemptions available* for...

- Replace riprap 100 feet or less on lakes
- Repair riprap 300 feet or less on lakes
- Biological shore erosion control structure
- Intake/outfall less than 6 ft/25% channel width
- Boat shelter, hoist or lift
- Replace 24 inch culvert
- Dredging with hand-held device
- Piers, boat lifts
- Other seasonal structures identified by rule
- Some deposits or dredging for exempt structures




* Need to meet statute
and rule standards and
no significant adverse
impact to public rights



No Exemptions In Some Waters

- Areas of special natural resource interest
- Public rights features – ineligible locations for select exemptions

**Searchable list at
Waterway & Wetland Permits web page.**



Areas of Special Natural Resource Interest

- Outstanding or Exceptional Resource Waters
- State Natural Areas
- Trout streams
- Waters with endangered, threatened, special concern or unique ecological communities
- State-tribal designated wild rice waters
- Federal or state wild and scenic rivers
- Waters in ecologically significant Great Lakes coastal wetlands



Public Rights Features

Physical features indicating...

- Fish & wildlife habitat
- Navigation patterns
- Natural scenic beauty
- Water quality & quantity

Recognizing Public Rights Features



Public rights features ID process



- Survey work
- Notice to officials
- Public hearing on request
- Scientific decision
- If yes, add to inventory
- AND reasonable self-identification

Public Rights Features Today

**Current Designation by
Natural Resources Board in NR 1**

- Lake Sensitive Areas



Permit in Lieu of Exemption

General or Individual Permit may be required for an exempt-category activity if:

- Site visit and investigation
- Determination that conditions specific to the site require restrictions on the activity in order to prevent the following:
 - (a) Significant adverse impacts to the public rights and interests
 - (b) Environmental pollution, as defined in s.299.01(4)
 - (c) Material injury to the riparian rights of any riparian owner.

Is my project exempt?



- 1 Click on proposed activity on Web page to see if an exemption is available for the activity type - if yes, then go to #2
- 2 Click on Searchable List of Special Waters Designations - if yes, apply for permit

Request Exemption Determination

- Use form available on Web
- Follow delivery instructions
- Receive answer in 15 days



GRADING

Grading on the Bank

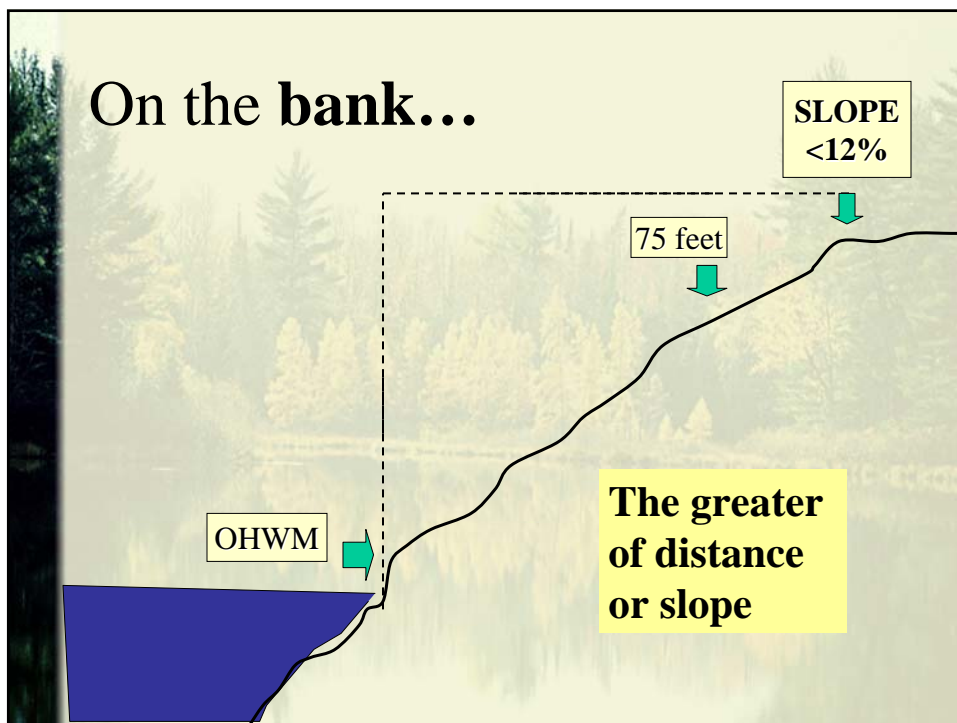
It's About More Than Just Runoff...

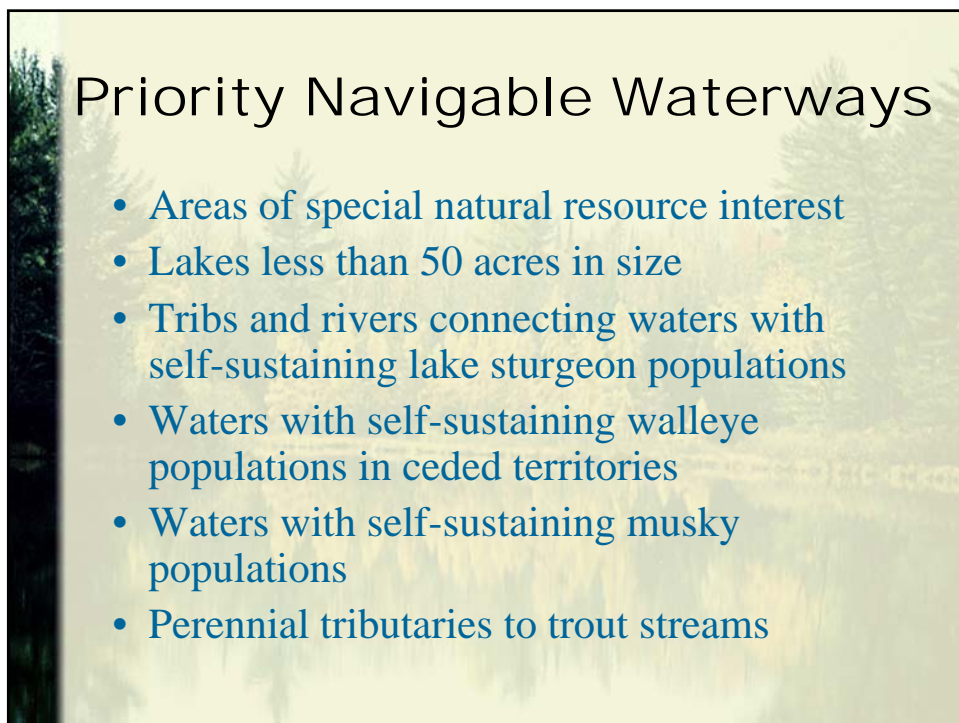
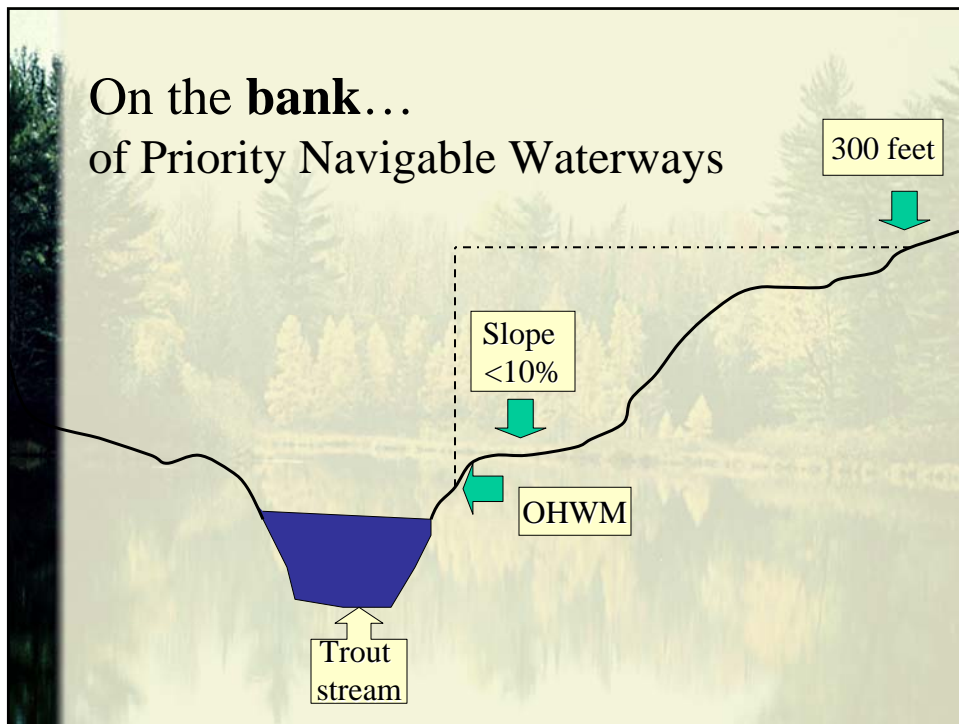


On the **bank**:
Where a state permit is needed



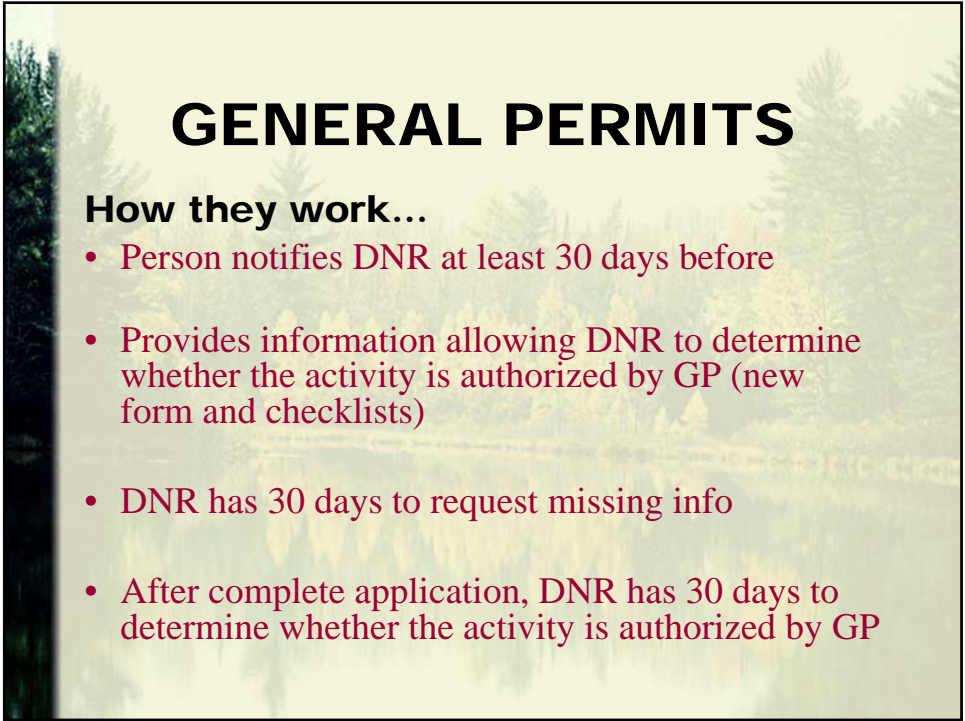
On the **bank...**







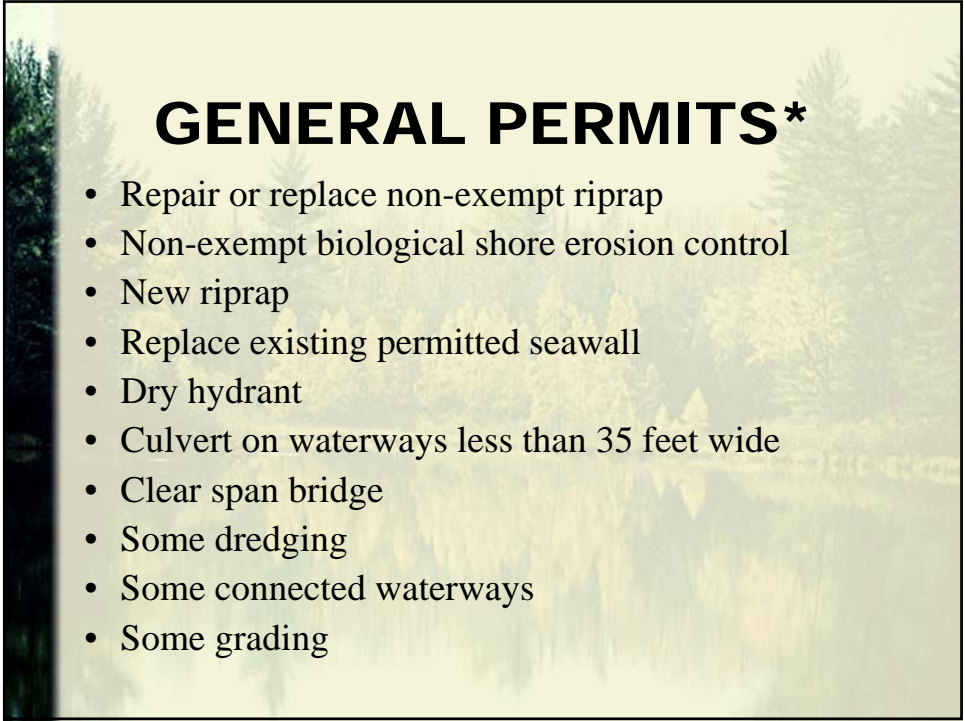
GENERAL PERMITS



GENERAL PERMITS


How they work...

- Person notifies DNR at least 30 days before
- Provides information allowing DNR to determine whether the activity is authorized by GP (new form and checklists)
- DNR has 30 days to request missing info
- After complete application, DNR has 30 days to determine whether the activity is authorized by GP



GENERAL PERMITS*

- Repair or replace non-exempt riprap
- Non-exempt biological shore erosion control
- New riprap
- Replace existing permitted seawall
- Dry hydrant
- Culvert on waterways less than 35 feet wide
- Clear span bridge
- Some dredging
- Some connected waterways
- Some grading



*** Projects meeting design,
construction or location standards
are authorized**



INDIVIDUAL PERMITS



INDIVIDUAL PERMITS

Individual permits required when:

1. No exemption or general permit applies
2. Applicant requests one in lieu of a general permit

Individual Permit Process

- Review for completeness within 30 days of application receipt
- Notice of Complete Application (rather than Notice of Application)
- 30-day comment period
- Opportunity for informational hearing
- Final decision 30 days from close of comment and informational hearing

Keep Up To Date

- Visit Web Site
- Refer others here...





*Floodplain review done
at local government request.*

State general permit
no longer ensures
compliance everywhere.



STATE + LOCAL
OPPORTUNITIES

State Permitting + Local Zoning



- State decision is predictable
- Local governments can and do conduct some trust duties
- Marathon and Washington Counties

Stormwater Local Program Option

Local government gives coverage under state general permits

- Ordinance complying with state regs
- Public information program
- Screen for rare species, wetlands, historic sites
- Keep records
- Report annually
- Annual fee





STATE + LOCAL OPPORTUNITIES

Save time
Save money
Save lakes & streams